

Nevada Advisory Committee *to the* **U.S. Commission on Civil Rights**

Municipal Fines and Fees

March 15, 2017

#AccessToJustice



Agenda

- **Opening Remarks and Introductions (9:00 am – 9:15 am)**
- Government and Law Enforcement Panel (9:15 am – 10:30 am)
- Elected Officials Panel (10:45 am – 11:45 am)
- **Break (11:45 am – 1:15 pm)**
- Policy Experts Panel (1:15 pm – 2:30 pm)
- Advocates and Community Members Panel (2:45 pm – 4:00 pm)
- Open Forum (4:15 pm – 5:00 pm)
- **Closing Remarks (5:00 pm – 5:15 pm)**



Committee Dialogue

Nevada Advisory Committee to the U.S. Commission on Civil Rights

Wendell C. Blaylock, Chair
Las Vegas

Debra A. Feemster
Sparks

Theresa E. Navarro
Reno

Bob Beers
Las Vegas

David S. Fott
Las Vegas

Jon D. Ponder
Las Vegas

Kathleen Bergquist
Las Vegas

Emma Guzman
Reno

Matthew D. Saltzman
Las Vegas

Sondra Cosgrove
Las Vegas

Kara M. Jenkins
Las Vegas

Ed Williams
Las Vegas

Carol Del Carlo
Incline

Kay P. Kindred
Las Vegas



Government and Law Enforcement Panel

(9:15 am – 10:30 am)

Panelists

- **Dana Hlavac**, Court Administrator, Las Vegas Municipal Court
- **Bill Zihlmann**, Court Administrator, Henderson Municipal Court
- **Earl Mitchell**, Constable, City of Henderson Township
- **Sam Diaz**, Commission Officer and Government Liaison, Las Vegas Metropolitan Police Department
 - Joined by **Kelly McMahon**, Lieutenant
- * **Dexter Thomas**, Court Administrator, Reno Justice Court

* Panelists joining via teleconference in Reno

Reno Justice Court

1 South Sierra Street

Reno, NV 89501

Reno Justice Court

The Reno Justice Court is a limited jurisdiction court that is tasked with collecting fines and fees that are then forwarded to Washoe County for distribution to the appropriate state and local entities. The Nevada State Legislator has imposed Administrative Assessments, Court Facility Assessments, Specialty Court Assessments and a DNA Assessment that is associated with every fine that is assessed and collected.

Current Administrative Assessment Statutes

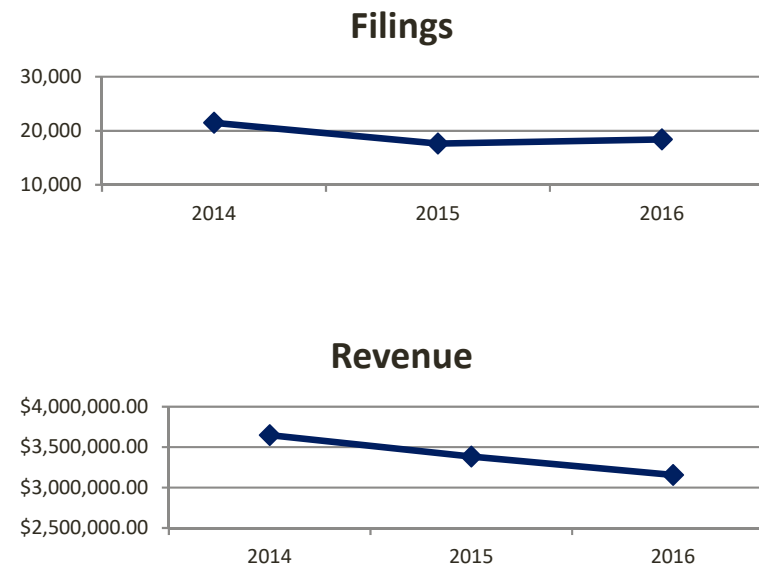
- NRS 176.059 Administrative assessment for misdemeanor: Collection; distribution; limitations on use. (schedule)

| Fine | Assessment |
|-------------------|------------|
| \$5 to \$49..... | \$30 |
| 50 to 59..... | 45 |
| 60 to 69..... | 50 |
| 70 to 79..... | 55 |
| 80 to 89..... | 60 |
| 90 to 99..... | 65 |
| 100 to 199..... | 75 |
| 200 to 299..... | 85 |
| 300 to 399..... | 95 |
| 400 to 499..... | 105 |
| 500 to 1,000..... | 120 |

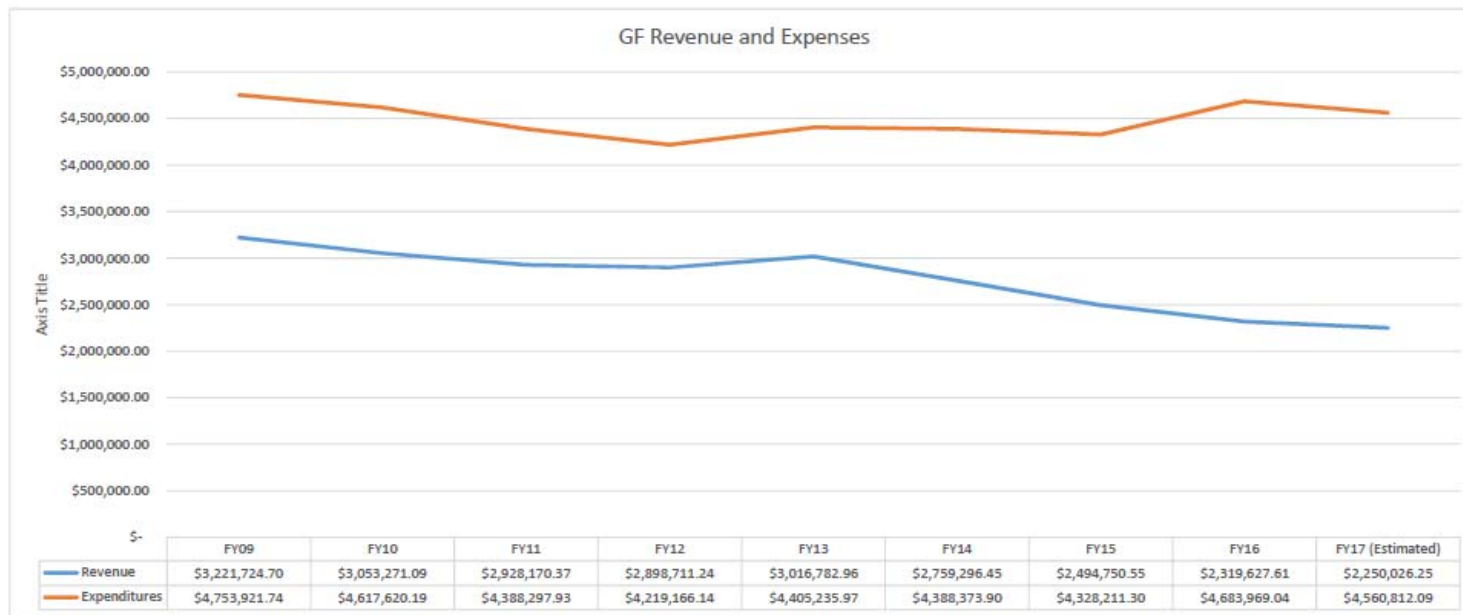
Distribution : State of Nevada General AA \$5.00, Court AA \$7.00, Juvenile AA \$2.00, State of Nevada AA receives the balance.

- NRS 176.061 Court Facilities assessment. (\$10.00)
- NRS 176.0613 Specialty Court assessment. (\$7.00)
- NRS 176.0623 DNA assessment (\$3.00)

Filings vs. Revenue



General Fund Revenue and Expenditures



Mitigated Impact to the Community

- 2013 Implemented Warrant Resolution Program
- 2015 Eliminated additional fees such as warrant and program fees
- Authorization of fine and fee reduction at the counter for common non-moving violations
- Authorization of payment plans
- Fines and fees may be converted to Community Service

Elected Officials Panel

(10:45 am – 11:45 am)

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Panelists

- * **Dina Neal** (D), Assemblywoman, District 7
- **Michele Fiore** (R), Former Assemblywoman, District 4
- * **Leisa Moseley**, Founder, The Action Company

* Panelists joining via teleconference in Reno

BREAK

We will begin promptly at 1:30 pm.

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Policy Experts Panel

(1:15 pm – 2:30 pm)

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Panelist

- ***Egan Walker**, Judge, Second Judicial District Court; Board member, National Council of Juvenile Family Court Judges
- **Dr. Nancy E. Brune**, Executive Director, Kenny Guinn Center for Policy Priorities
 - Joined by **Megan Rauch**, Director of Education Policy
- **Nicole Austin-Hillery**, Director and Counsel, Brennan Center for Justice at New York University
- **Thomas Harvey**, Executive Director, ArchCity Defenders

* Panelists joining via teleconference in Reno

Municipal Court Fines and Fees in Nevada

Nancy E. Brune, Ph.D.
Executive Director

Megan K. Rauch
Director of Education Policy



Overview

- States impose costs, fees, fines, and restitution in criminal justice system (adults and children)
- Impacts families
- However, little information reported (consistently) to evaluate impact

Example of Court Fees and Fines in Nevada

| Revenue Source (FY 2003) | Combined Revenue | % of Total | Supreme Court | SC Share of Fees | District Court | DC Share of Fees | Justices Court | JC Share of Fees | Municipal Court | MC Share of Fees |
|---|------------------|------------|---------------|------------------|----------------|------------------|----------------|------------------|-----------------|------------------|
| Fines (all cases and types of fines) | \$ 31,256,962 | 36.4% | | | \$ 701,954 | 2.2% | \$ 8,169,425 | 26.1% | \$22,385,583 | 71.6% |
| Administrative Assessments | \$ 1,688,916 | 2.0% | | | \$ 415 | 0.0% | | | \$ 1,688,501 | 100.0% |
| Misdemeanor Assessments | \$ 11,980,775 | 14.0% | | | | | \$ 6,208,011 | 51.8% | \$ 5,772,764 | 48.2% |
| Gross Misdemeanor & Felony Assessments | \$ 268,164 | 0.3% | | | \$ 114,969 | 42.9% | \$ 153,195 | 57.1% | | 0.0% |
| Juvenile Adm. Assessments | \$ 449,503 | 0.5% | | | \$ 35,436 | 7.9% | \$ 411,374 | 91.5% | \$ 2,693 | 0.6% |
| Domestic Violence Assessments | \$ 67,853 | 0.1% | | | | | \$ 23,885 | 35.2% | \$ 43,968 | 64.8% |
| Facility Assessments | \$ 2,972,344 | 3.5% | | | | | \$ 2,151,737 | 72.4% | \$ 820,607 | 27.6% |
| Graffiti Assessments | \$ 540 | 0.0% | | | | | \$ 540 | 100.0% | | 0.0% |
| Assessments Subtotal | \$ 17,428,095 | 20.3% | | | \$ 150,820 | 0.9% | \$ 8,948,742 | 51.3% | \$ 8,328,533 | 47.8% |
| Collection Fee | \$ 903,536 | 1.0% | | | | | \$ 83,012 | 9.2% | \$ 820,524 | 90.8% |
| Bail Forfeitures, inc. traffic | \$ 10,974,240 | 12.8% | | | \$ 558,456 | 5.1% | \$ 9,391,740 | 85.6% | \$ 1,024,044 | 9.3% |
| Jury Trial Deposits | \$ 192,617 | 0.2% | | | \$ 175,677 | 91.2% | \$ 16,940 | 8.8% | | 0.0% |
| Filing Fees | \$ 15,431,057 | 18.0% | \$370,095 | 2.4% | \$ 8,345,031 | 54.1% | \$ 5,620,846 | 36.4% | \$ 1,095,085 | 7.1% |
| Cost Reimbursments | \$ 4,149,591 | 4.8% | | | \$ 1,927,212 | 46.4% | \$ 2,045,790 | 49.3% | \$ 176,589 | 4.3% |
| Program Fees Paid by Participants | \$ 5,501,492 | 6.4% | \$ 38,000 | 0.7% | \$ 1,537,794 | 28.0% | \$ 182,713 | 3.3% | \$ 3,742,985 | 68.0% |
| TOTAL | \$ 85,837,590 | 100% | \$408,095 | 0.5% | \$ 13,396,944 | 15.6% | \$ 34,459,208 | 40.1% | \$37,573,343 | 43.8% |

Source: Nevada Judicial Branch Funding: Resources and Operations, Fiscal Year 2003. A Report of the Supreme Court of Nevada Court Funding Commission

More Recent Data Points

- In North Las Vegas (2014), courts processed 24,175 citations; collected \$10.7M in fines, fees & assessments (\$13.2M originally imposed)
 - Amounts to \$442 collected/per citation
- Las Vegas municipal court collected \$67M (2011-2015) from low-level traffic or nonmoving violations



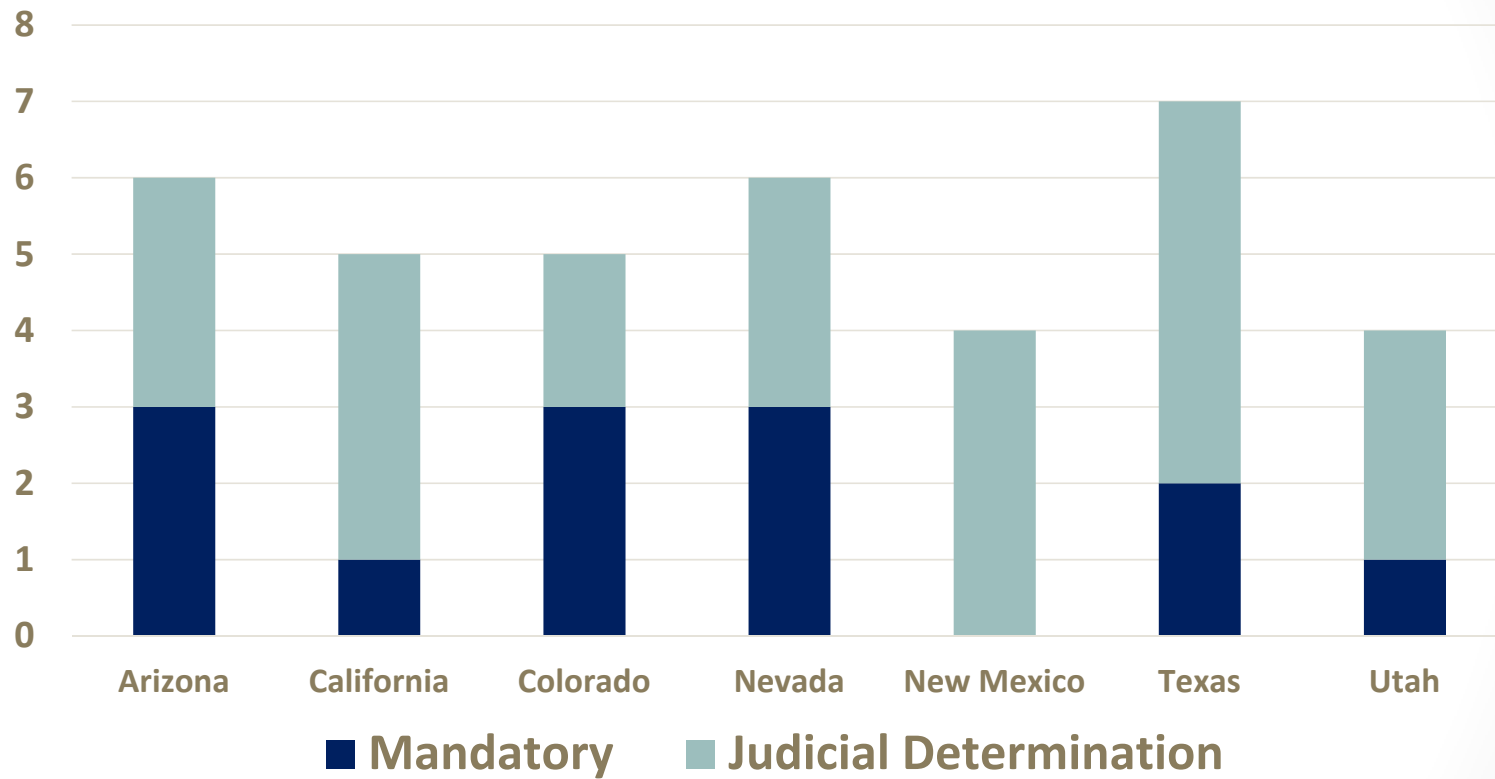
Nevada's Juvenile Justice System



| | Restitution | Expunge | Fines | Court Fees | Cost of Care | Evaluation | Diversion Costs* | Probation Costs* | Total |
|------------|-------------|---------|-------|------------|--------------|------------|------------------|------------------|-------|
| Arizona | Yes | Yes | Yes | | Yes | | Yes | Yes | 6 |
| California | Yes | | Yes | | Yes | Yes | | Yes | 5 |
| Colorado | Yes | Yes | Yes | | Yes | | | Yes | 5 |
| Nevada | Yes | | Yes | Yes | Yes | Yes | Yes | | 6 |
| New Mexico | Yes | | Yes | Yes | Yes | | | | 4 |
| Texas | Yes | | Yes | Yes | Yes | Yes | Yes | Yes | 7 |
| Utah | Yes | Yes | | | | Yes | Yes | | 4 |

* This table identifies a state as having a statute on probation or diversion only if the statute designates a cost for those specific purposes. Youth or families may also be required to pay other costs, fines, fees, or restitution as a condition of probation, or a condition of participation in a diversion program. Because those costs are captured elsewhere, they are not listed in this column.

Juvenile Justice Fees in the Intermountain West



Impact of Fines

- Case remained open longer
- Youth was sent to juvenile justice placement
- Youth remained in such placement longer than had the child or family been able to pay
- Additional court visits, leading to missed school or work
- Inability to get records expunged
- A civil judgment imposed
- And/or a formal petition filed for failure to pay diversion costs

Recommendations

- Require annual reporting on judicial branch funding (last report completed in 2003)
 - Require local jurisdictions to report the information
- Collect and report information on the frequency that community service is used in lieu of fines, and impact of judicial determination
- Assess how fines, fees & assessments in Nevada compare to Intermountain West

Questions?

About the Kenny C. Guinn Center for Policy Priorities

The Kenny C. Guinn Center for Policy Priorities is a 501(c)(3) nonprofit, bipartisan, independent research center focused on providing fact-based, relevant, and well-reasoned analysis of critical policy issues facing Nevada and the Intermountain West. The Guinn Center engages policy-makers, experts, and the public with innovative, data-driven research and analysis to advance policy solutions, inform the public debate, and expand public engagement.

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Megan K. Rauch, Director of Education Policy | Director of Policy Outreach

Email: mrauch@guinncenter.org

Advocates and Community Members Panel

(2:45 pm – 4:00 pm)

Panelist

- **Amy Rose**, Legal Director, American Civil Liberties Union, Nevada
- **Alex Cherup**, Vice President, National Association for The Advancement Of Color People, Las Vegas
- **Dustin Marcello**, Defense Attorney, Pitaro & Fumo Law
- **Jeffrey Barr**, Partner, Ashcraft & Barr LLP
- **Hannah Brown**, President Emeritus, Urban Chamber of Commerce

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OPEN FORUM

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Questions?

For more information please contact:

U.S. Commission on Civil Rights
Western Regional Office
300 North Los Angeles Street
Los Angeles, CA 90012
(213) 894-3437

To submit written testimony please email Ana Fortes at afortes@usccr
by April 14, 2017.

